

Sixth Appellate District

San Jose, California

MONDAY, MARCH 9, 2009

H033220 In re VO on Habeas Corpus.

The petition for writ of habeas corpus is granted. The Board is directed to vacate the denial of parole, conduct a new parole suitability hearing for Vo, and proceed in accordance with due process of law. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Duffy, J.)

Filed March 9, 2009

H032072 PEOPLE v. NERI

The judgment is ordered modified by reducing the victim restitution to Melinda Adame from \$576 to \$250. As so modified, the judgment is affirmed (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed March 9, 2009

H032267 KHOSH v. LE, et al.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., Duffy, J.)

Filed March 9, 2009

TUESDAY, MARCH 10, 2009

The following cases are submitted this date:

H033282 PEOPLE v. BARRERA

H033121 PEOPLE v. GUTHIER

H033492 PEOPLE v. MORROW

H033311 PEOPLE v. S.C.

H033314 PEOPLE v. J.W.

H033340 PEOPLE v. RIVAS

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H032960 PEOPLE v. NGUYEN

Cause called and argued by William Locke III appearing for Appellant and by Michael Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030734 PEOPLE v. KENNEDY

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Cause called and argued by James Roberts appearing for Appellant and by Rene Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

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Tuesday, March 10, 2009 (continued)

H032880 PEOPLE v. JON H.

Cause called and argued by Alex Coolman appearing for Appellant and by Michael Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033234 In re A.S. et al.; D.F.C.S. v. R.S.

Cause called and argued by Julia Ten Eyck appearing for Appellant and by Arlene Rozul, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

Court recesses until the 1:30 p.m. calendar.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, J.; Rushing, P.J.; Elia, J.; and LaNae Brooks, Deputy Clerk.

H032426 In re CRISCIONE on Habeas Corpus

Cause called and argued by Denise A. Yates, Deputy Attorney General, appearing for Appellant and by Barbara B. Fargo appearing for Respondent. Cause ordered submitted.

H032860 In re CRISCIONE on Habeas Corpus

Cause called and argued by Denise A. Yates, Deputy Attorney General, appearing for Appellant and by Barbara B. Fargo appearing for Respondent. Cause ordered submitted.

H031383 HOPKINS & CARLEY v. GENS

Cause called. Appellant Timothy Gens appeared in propria persona and Allonn Levy appeared for Respondent. Appellant waives oral argument and advises the court that he will file a request for dismissal of his appeal.

Court is adjourned.

H032402 CHANG v. LU

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed March 10, 2009

H030765 PEOPLE v. PULIZZI

By the Court*:

Sixth Appellate District

San Jose, California

Appellant's petition for rehearing is denied.
Filed: March 10, 2009

*Before Rushing, P.J., Premo, J. and Bamattre-Manoukian, J.

Sixth Appellate District

San Jose, California

WEDNESDAY, MARCH 11, 2009

H032222 COUNTY OF SANTA CRUZ v. CIVIL SERVICE COMMISSION OF
SANTA CRUZ; JACK

Filed order publishing opinion. (Rushing, P.J., Premo, J.,
Elia, J.)

THURSDAY, MARCH 12, 2009

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Rushing,
P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H031750 PEOPLE v. DALY

Cause called and argued by Alan Siraco appearing for
Appellant and by Dorain Jung, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H032003 PEOPLE v. LOPEZ

Cause called and argued by George Schraer appearing for
Appellant and by Dorain Jung, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H032340 PEOPLE v. PAGAN

Cause called and argued by Randy Baker appearing for
Appellant and by Margo J. Yu, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H030655 PEOPLE v. EKWUEME, et al.

Cause called and argued by Brian H. Getz appearing for
appellant Ekwueme, by Steve Defilippis appearing for appellant
Meyer, and by Margo Yu, Deputy Attorney General, appearing for
Respondent. Cause ordered submitted.

H032376 HALVERSON v. VALLONE, et al.

Cause called and argued by Patrick C. Stacker appearing for
Appellant and by Kim O. Dincel appearing for Respondents. Cause
ordered submitted.

Court recesses until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333
West Santa Clara Street, Suite 1060, San Jose, California.

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Present: Elia, Acting P.J.; Bamattre-Manoukian, J.; Duffy, J.;
and Beth Miller, Deputy Clerk.

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Thursday, March 12, 2009 (continued)

H031704 PEOPLE v. VIET

Cause called and argued by Joseph Courtney Shevelson appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Elia, Acting P.J. leaves the bench and Mihara, J. takes the bench.

H031583 Y.K.A. INDUSTRIES, INC. v. REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE, et al.

Cause called and argued by Eric A. Schreiber appearing for Appellant and by Robert Fabela, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

Court is adjourned.

FRIDAY, MARCH 13, 2009

H032794 CHAUDHARY ON HABEAS CORPUS

The superior court's order is reversed, and the superior court is directed to vacate its order and enter a new order denying Chaudhary's petition. (published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed March 13, 2009

H032044 LEWIS on Habeas Corpus

H032045 BRAGG on Habeas Corpus

H032046 NGO on Habeas Corpus

H032047 JAMEISON on Habeas Corpus

H032048 CRISCIONE on Habeas Corpus

The orders granting habeas relief are reversed. The matters are remanded to the superior court for consideration of the merits of the individual petitions for writs of habeas corpus in accordance with *In re Lawrence* (2008) 44 Cal.4th 1181.
(published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed March 13, 2009

H033277 FULLENWIDER v. LIFLAND

The judgment is affirmed. Defendant shall have her costs on appeal. (not published)

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(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed March 13, 2009

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Friday, March 13, 2009 (continued)

H032516 PEOPLE v. BOULERICE

The judgment is reversed. The cause is remanded to the trial court for the purpose of holding a new in camera hearing on defendant's *Pitchess* motion in conformance with the procedures described in this opinion, of which the trial court shall make a record. The court shall retain for the record, under seal, originals or copies of all documents it examines in camera. If the court finds no discoverable information during its in camera review, the court shall reinstate the judgment. If the court determines there is discoverable information, the court shall order disclosure as required by law (see Evid.Code, §§ 1043, 1045, *People v. Mooc*, *supra*, 26 Cal.4th at pp. 1226-1227) and permit defendant a reasonable opportunity to prepare and bring a motion for a new trial. If defendant does not bring a motion for a new trial within the reasonable time permitted, or a new trial motion is denied, the court shall reinstate the judgment. If the judgment is reinstated, the trial court is ordered to stay the sentences on counts two and four pursuant to section 654. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 13, 2009